

THE PARLIAMENT OF THE
COMMONWEALTH OF AUSTRALIA

THE SENATE

COMMITTEE OF SENATORS' INTERESTS

Report 1/2003

ANNUAL REPORT — 2002

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MEMBERS OF THE COMMITTEE – 40TH PARLIAMENT

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Senator G. Barnett	(LP)	TAS	(appointed 19 March 2002 - discharged 29 August 2002)
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Senator J. McGauran	(NPA)	VIC	(appointed 19 August 2002)
Senator the Hon M. Reid	(LP)	ACT	(appointed 29 August 2002 - resigned from the Senate 14 February 2003)
Senator R. Webber	(ALP)	WA	(appointed 27 June 2002 - with effect from 1 July 2002)
Senator P. Wong	(ALP)	SA	(appointed 27 June 2002 - with effect from 1 July 2002)

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Introduction

1. Standing order 22A requires the Committee of Senators' Interests, as soon as practicable after 31 December each year, to prepare and table a report on its operations during the year. This report is the ninth annual report of the committee.

Background

2. On 17 March 1994 the Senate adopted a resolution on the registration of senators' interests which requires that each senator provide a statement of registrable interests within 28 days of making and subscribing an oath or affirmation of allegiance as a senator. The senator is also required to provide a statement of the registrable interests of which the senator is aware of the senator's spouse or partner and of any children who are wholly or mainly dependent on the senator for support. The resolution also requires any alterations in these interests to be notified within 28 days of the alteration occurring.
3. The statements of senators' interests are kept on a public Register of Senators' Interests. Statements of the registrable interests of a senator's spouse or partner and of any dependent children remain confidential to the Committee of Senators' Interests except where the committee considers that a conflict of interest arises, at which time the committee may table the declaration.
4. The resolution provides that the statements of registrable interests must accord with the resolution and must be in a form determined by the Committee of Senators' Interests. The resolution also provides that the Register of Senators' Interests shall be maintained by the Registrar of Senators' Interests in accordance with procedures, and in a form, determined by the committee, and that the public register shall be available for inspection by any person under conditions laid down by the committee.
5. Also on 17 March 1994 the Senate adopted standing order 22A which established the Committee of Senators' Interests. The committee was given the responsibility of overseeing and reporting on the registration requirements. The committee met three times in 2002, on 21 March, 15 May and 19 June.
6. The committee's terms of reference require it to report on a number of matters. The committee reports on these matters as at 31 December 2002. All documents referred to in the above paragraphs are available on the committee's website. Copies of the documents may also be obtained from the Registrar of Senators' Interests.

Arrangements for the compilation, maintenance and accessibility of the Register of Senators' Interests

7. The primary purpose of the three meetings held during 2002 was to update and produce revised documentation associated with the registration and declaration of senators' interests and gifts to the Senate and the Parliament. The committee intended that new explanatory statements and procedural rules should be available for use by senators who were sworn in following their taking their seats on 1 July 2002.

8. In the course of considering the documentation associated with the relevant resolutions of the Senate, the committee decided that it should examine, and if necessary recommend amendments to, the resolutions of the Senate which have been in existence, with only minor changes, since 1994.
9. In a substantial report, tabled in the Senate on 26 June 2002, the committee advised the Senate of its reasons for proposed changes to the resolutions, and of implemented changes to the explanatory statements and procedural rules, with immediate effect where possible. The chair of the committee, when tabling the report, gave a notice of motion to give effect to the recommended changes to the resolutions. The notice was intended for debate early in the Spring sittings 2002. To enable senators to give full consideration to potential changes, however, the notice of motion was postponed, and is expected to be considered during the Budget sittings of 2003.
10. A major purpose of the changes to the explanatory statements and procedural rules was to consolidate all relevant material, including committee determinations made since its establishment. As a result, the need for a summary of committee guidance for senators making declarations, attached to previous annual reports, has been obviated.

(a) Register of Senators' Interests

11. The committee has been satisfied with the responses by senators to its consolidated documentation, and reports to the Senate that all statements of senators' interests, following the swearing-in of State senators on 19 August 2002, were received in accordance with the resolutions. The full register of all senators' interests, dating from 1999, was tabled on 10 December 2002.

(b) Notifications of alterations of interests

12. In accordance with established practice, the Registrar of Senators' Interests writes to each senator at least twice a year about the need to notify changes to statements of interests. The committee tabled the first of its regular six-monthly updates of notifications of alterations of interests on 26 June 2002. The subsequent six-monthly update was subsumed in the full register of interests tabled in December 2002.

(c) Requests for access to register

13. There was an appreciable increase in requests for public access to the register during the year: requests doubled from 10 in 2001 to 20 in 2002. More flexible conditions for access have been implemented as a result of the committee's consideration of documentation in 2002.

Register of Gifts to the Senate and the Parliament

14. Under the Senate resolution of 26 August 1997, senators must declare receipt of gifts received by them but intended by the donor for the parliamentary institution. No declarations were made under this resolution during 2002. The committee has recommended changes to the resolution, as outlined in its report of 26 June 2002.

**Proposals by senators and others as to the form and content of the register
Submissions made in relation to the registering or declaring of interests**

15. No senator, other than members of the Committee of Senators' Interests, made proposals for change during the year, and no other persons made submissions to the committee.

Registration of interests by other classes of persons

16. During the year the committee made no recommendations about such registration, but continues to keep the question under review.

Other matters

17. The committee intends to produce a new booklet reflecting any changes the Senate might make as a result of its recommendations. It will report to the Senate in its annual report for 2003 on subsequent developments.

(Kay Denman)
Chair
March 2003